BEFORE THE BOARD OF REGISTERED NURSING DEPARTMENT OF CONSUMER AFFAIRS STATE OF CALIFORNIA

In the Matter of the Accusation Against:

CHANTAL KATHLEEN STANTON 1211 Wyoming Drive Santa Rosa, CA 95405

Registered Nurse License No. 752916

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Case No. 2013-140

OAH No. 2012100144

Respondent

DECISION AND ORDER

The attached Stipulated Surrender of License and Order is hereby adopted by the Board of Registered Nursing, Department of Consumer Affairs, as its Decision in this matter.

This Decision shall become effective on **December 24, 2012.**

IT IS SO ORDERED December 24, 2012.

Raymond Mallel, President

Board of Registered Nursing Department of Consumer Affairs

State of California

. 1	Karata D. Hanna
1	KAMALA D. HARRIS Attorney General of California
2	DIANN ŠOKOLOFF Supervising Deputy Attorney General
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•	Attorneys for Complainant
8	BEFORE THE BOARD OF REGISTERED NURSING
. 9	DEPARTMENT OF CONSUMER AFFAIRS
10	STATE OF CALIFORNIA
11	In the Matter of the Accusation Against: Case No. 2013-140
12	CHANTAL KATHLEEN STANTON OAH No. 2012100144
	1211 Wyoming Drive
13	Santa Rosa, CA 95405 Registered Nurse License No. 752916 STIPULATED SURRENDER OF LICENSE AND ORDER
14	Respondent.
15	Respondent.
16	IT IS HEREBY STIPULATED AND AGREED by and between the parties in this
17	proceeding that the following matters are true:
18	<u>PARTIES</u>
19	1. Louise R. Bailey, M.Ed., RN (Complainant) is the Executive Officer of the Board of
2:0	Registered Nursing. She brought this action solely in her official capacity and is represented in
21	this matter by Kamala D. Harris, Attorney General of the State of California, by Kim M. Settles,
22	Deputy Attorney General.
23	2. Chantal Kathleen Stanton (Respondent) is representing herself in this proceeding and
24.	has chosen not to exercise her right to be represented by counsel.
25	3. On or about June 26, 2009, the Board of Registered Nursing issued Registered Nurse
26	License No. 752916 to Chantal Kathleen Stanton (Respondent). The Registered Nurse License
27	was in full force and effect at all times relevant to the charges brought in Accusation No. 2013-
28	140 and will expire on January 31, 2013, unless renewed.

JURISDICTION

4. Accusation No. 2013-140 was filed before the Board of Registered Nursing (Board), Department of Consumer Affairs, and is currently pending against Respondent. The Accusation and all other statutorily required documents were properly served on Respondent on or about August 24, 2012. Respondent timely filed her Notice of Defense contesting the Accusation. A copy of Accusation No. 2013-140 is attached as exhibit A and incorporated by reference.

ADVISEMENT AND WAIVERS

- 5. Respondent has carefully read, and understands the charges and allegations in Accusation No. 2013-140. Respondent also has carefully read, and understands the effects of this Stipulated Surrender of License and Order.
- 6. Respondent is fully aware of her legal rights in this matter, including the right to a hearing on the charges and allegations in the Accusation; the right to be represented by counsel, at her own expense; the right to confront and cross-examine the witnesses against her; the right to present evidence and to testify on her own behalf; the right to the issuance of subpoenas to compel the attendance of witnesses and the production of documents; the right to reconsideration and court review of an adverse decision; and all other rights accorded by the California Administrative Procedure Act and other applicable laws.
- 7. Respondent voluntarily, knowingly, and intelligently waives and gives up each and every right set forth above.

CULPABILITY

- 8. Respondent admits the truth of each and every charge and allegation in Accusation No. 2013-140, agrees that cause exists for discipline and hereby surrenders her Registered Nurse License No. 752916 for the Board's formal acceptance.
- 9. Respondent understands that by signing this stipulation she enables the Board to issue an order accepting the surrender of her Registered Nurse License without further process.

CONTINGENCY

10. This stipulation shall be subject to approval by the Board of Registered Nursing. Respondent understands and agrees that counsel for Complainant and the staff of the Board of

- 11. The parties understand and agree that facsimile copies of this Stipulated Surrender of License and Order, including facsimile signatures thereto, shall have the same force and effect as the originals.
- 12. This Stipulated Surrender of License and Order is intended by the parties to be an integrated writing representing the complete, final, and exclusive embodiment of their agreement. It supersedes any and all prior or contemporaneous agreements, understandings, discussions, negotiations, and commitments (written or oral). This Stipulated Surrender of License and Order may not be altered, amended, modified, supplemented, or otherwise changed except by a writing executed by an authorized representative of each of the parties.
- 13. In consideration of the foregoing admissions and stipulations, the parties agree that the Board may, without further notice or formal proceeding, issue and enter the following Order:

ORDER

IT IS HEREBY ORDERED that Registered Nurse License No. 752916, issued to Respondent Chantal Kathleen Stanton, is surrendered and accepted by the Board of Registered Nursing.

1. The surrender of Respondent's Registered Nurse License and the acceptance of the surrendered license by the Board shall constitute the imposition of discipline against Respondent. This stipulation constitutes a record of the discipline and shall become a part of Respondent's license history with the Board of Registered Nursing.

- 2. Respondent shall lose all rights and privileges as a Registered Nurse in California as of the effective date of the Board's Decision and Order.
- 3. Respondent shall cause to be delivered to the Board her pocket license and, if one was issued, her wall certificate on or before the effective date of the Decision and Order.
- 4. If Respondent ever files an application for licensure or a petition for reinstatement in the State of California, the Board shall treat it as a petition for reinstatement. Respondent must comply with all the laws, regulations and procedures for reinstatement of a revoked license in effect at the time the petition is filed, and all of the charges and allegations contained in Accusation No. 2013-140 shall be deemed to be true, correct and admitted by Respondent when the Board determines whether to grant or deny the petition.
- 5. If and when Respondent's license is reinstated, she shall pay to the Board costs associated with its investigation and enforcement pursuant to Business and Professions Code section 125.3 in the amount of \$1,200.00. Respondent shall be permitted to pay these costs in a payment plan approved by the Board. Nothing in this provision shall be construed to prohibit the Board from reducing the amount of cost recovery upon reinstatement of the license.
- 6. If Respondent should ever apply or reapply for a new license or certification, or petition for reinstatement of a license, by any other health care licensing agency in the State of California, all of the charges and allegations contained in Accusation, No. 2013-140 shall be deemed to be true, correct, and admitted by Respondent for the purpose of any Statement of Issues or any other proceeding seeking to deny or restrict licensure.
- 7. Respondent shall not apply for licensure or petition for reinstatement for two (2) years from the effective date of the Board of Registered Nursing's Decision and Order.

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ACCEPTANCE 1 I have carefully read the Stipulated Surrender of License and Order. I understand the 2 stipulation and the effect it will have on my Registered Nurse License. I enter into this 3 Stipulated Surrender of License and Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Board of Registered Nursing. 5 Respondent **ENDORSEMENT** The foregoing Stipulated Surrender of License and Order is hereby respectfully submitted 10 for consideration by the Board of Registered Nursing of the Department of Consumer Affairs. 11 10/16./12 Respectfully submitted, Dated: 12 KAMALA D. HARRIS 13 Attorney General of California 14

DIANN SOKOLOFF Supervising Deputy Attorney General

KIM M. SETTLES Deputy Attorney General Attorneys for Complainant

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Exhibit A

Accusation No. 2013-140

1 KAMALA D. HARRIS Attorney General of California 2 DIANN SOKOLOFF Supervising Deputy Attorney General 3. KIM M. SETTLËS Deputy Attorney General. State Bar No. 116945 1515 Clay Street, 20th Floor P.O. Box 70550 5 Oakland, CA 94612-0550 Telephone: (510) 622-2138 Facsimile: (510) 622-2270 6 Attorneys for Complainant BEFORE THE BOARD OF REGISTERED NURSING 9 DEPARTMENT OF CONSUMER AFFAIRS STATE OF CALIFORNIA 10 Case No. 2013-140 11 In the Matter of the Accusation Against: 12 CHANTAL KATHLEEN STANTON ACCUSATION 19136 North Shore Drive 13 Hidden Valley Lake, CA 95467 14 Registered Nurse License No. 752916 15 Respondent. 16 17 Complainant alleges: 18 **PARTIES** 19 Louise R. Bailey, M.Ed., RN (Complainant) brings this Accusation solely in her 20 official capacity as the Executive Officer of the Board of Registered Nursing, Department of 21 Consumer Affairs. 22 On or about June 26, 2009, the Board of Registered Nursing issued Registered Nurse 23 License Number 752916 to Chantal Kathleen Stanton (Respondent). The Registered Nurse 24 License was in full force and effect at all times relevant to the charges brought in this Accusation 25 and will expire on January 31, 2013, unless renewed. 26 /// . 27 /// 28 ///

Accusation

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JURISDICTION

- 3. This Accusation is brought before the Board of Registered Nursing (Board), Department of Consumer Affairs, under the authority of the following laws. All section references are to the Business and Professions Code unless otherwise indicated.
- 4. Section 2750 of the Business and Professions Code ("Code") provides, in pertinent part, that the Board may discipline any licensee, including a licensee holding a temporary or an inactive license, for any reason provided in Article 3 (commencing with section 2750) of the Nursing Practice Act.
- 5. Section 2764 of the Code provides, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or to render a decision imposing discipline on the license.

STATUTORY/REGULATORY PROVISIONS

6. Section 2761 of the Code states:

"The board may take disciplinary action against a certified or licensed nurse or deny an application for a certificate or license for any of the following:

- "(a) Unprofessional conduct, which includes, but is not limited to, the following:
- "(f) Conviction of a felony or of any offense substantially related to the qualifications, functions, and duties of a registered nurse, in which event the record of the conviction shall be conclusive evidence thereof.
 - 7. Section 2762 of the Code states:

"In addition to other acts constituting unprofessional conduct within the meaning of this chapter [the Nursing Practice Act], it is unprofessional conduct for a person licensed under this chapter to do any of the following:

"(b) Use any controlled substance as defined in Division 10 (commencing with Section 11000) of the Health and Safety Code, or any dangerous drug or dangerous device as defined in Section 4022, or alcoholic beverages, to an extent or in a manner dangerous or injurious to

himself or herself, any other person, or the public or to the extent that such use impairs his or her ability to conduct with safety to the public the practice authorized by his or her license.

- "(c) Be convicted of a criminal offense involving the prescription, consumption, or self administration of any of the substances described in subdivisions (a) and (b) of this section, or the possession of, or falsification of a record pertaining to, the substances described in subdivision (a) of this section, in which event the record of the conviction is conclusive evidence thereof."
- 8. Section 490 of the Code provides, in pertinent part, that a board may suspend or revoke a license on the ground that the licensee has been convicted of a crime substantially related to the qualification.
 - 9. California Code of Regulations, title 16, section 1444, states:

"A conviction or act shall be considered to be substantially related to the qualifications, functions or duties of a registered nurse if to a substantial degree it evidences the present or potential unfitness of a registered nurse to practice in a manner consistent with the public health, safety, or welfare."

COST RECOVERY

10. Section 125.3 of the Code provides, in pertinent part, that the Board may request the administrative law judge to direct a licentiate found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

DRUGS

- 11. "Methamphetamine" is a highly addictive recreational drug. It is a Schedule II controlled substance as designated by Health and Safety Code section 11055, subdivision (d)(2), and a dangerous drug pursuant to Business and Professions Code section 4022.
- 12. "Heroin" is an opiate that is synthesized from morphine. It is a highly addictive recreational drug. It is a Schedule I controlled substance as designated by Health and Safety Code section 11054, subdivision (c), and a dangerous drug pursuant to Business and Professions Code section 4022.

111.

FIRST CAUSE FOR DISCIPLINE

(Conviction of Crimes)

- 13. Respondent has subjected her license to disciplinary action under sections 2761, subdivision (f), and 490, in that she was convicted of the following crimes that are substantially related to the qualifications, functions, and duties of a registered nurse:
- A. On or about November 29, 2011, in Lake County Superior Court, Case No. CR928146, entitled *People v. Chantal Kathleen Stanton*, respondent was convicted by the court on her plea of no contest of violating Health and Safety Code section 11364, subdivision (a) (possession of drug paraphernalia).

The circumstances of the crime are that on or about September 18, 2011, Respondent was in possession of two hypodermic needles in sharps containers, several pieces of cotton, and a small plastic zip lock bag with white residue. Respondent admitted to the Lake County Sheriff's Deputy that she had been using Methamphetamine for the past six months and had been injecting herself for two months. Respondent also admitted to the deputy that she last used Methamphetamine the morning of September 18, 2011, and that she ingests methamphetamine at least twice a day.

SECOND CAUSE FOR DISCIPLINE

(Unprofessional Conduct - Use of Drugs)

14. Respondent has subjected her license to disciplinary action under section 2761, subdivision (a), on the grounds of unprofessional conduct as defined by section 2762, subdivision (b), by virtue of the conviction set forth in paragraph 13, above.

THIRD CAUSE FOR DISCIPLINE

(Unprofessional Conduct - Offense Involving Use of Drugs)

- 15. Respondent has subjected her license to disciplinary action under section 2761, subdivision (a), on the grounds of unprofessional conduct as defined by section 2762, subdivision (c), by virtue of the conviction set forth in paragraph 13, above.
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FOURTH CAUSE FOR DISCIPLINE

(Unprofessional Conduct - Use of Drugs)

16. Respondent has subjected her license to disciplinary action under section 2761, subdivision (a), on the grounds of unprofessional conduct as defined by section 2762, subdivision (b), in that on or about November 21, 2011, Sonoma Sheriff's Deputy contacted Respondent and observed two syringes, a sponge with burn marks, used baggies, and a single piece of "tar heroin" in Respondent's vehicle. The Deputy also confiscated four syringes from Respondent's purse. Respondent admitted to the Deputy that she had injected herself with Heroin an hour before she was contacted by the officer. Respondent admitted to the Deputy that she had previously used stimulants and had switched to Heroin.

PRAYER

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged in this Accusation, and that following the hearing, the Board of Registered Nursing issue a decision:

- 1. Revoking or suspending Registered Nurse License Number 752916, issued to Chantal Kathleen Stanton;
- 2. Ordering Chantal Kathleen Stanton to pay the Board of Registered Nursing the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3;
 - 3. Taking such other and further action as deemed necessary and proper.

DATED: August 24, 2012

LOUISE R. BAILEY, M.ED., RN

Executive Officer

Board of Registered Nursing

Department of Consumer Affairs

State of California

Complainant

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